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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,833	06/07/2000	RAJ BRIDGELALL	SYM-7	9487

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EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 07/16/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/588,833

Applicant(s)

BRIDGELALL, RAJ



Examiner

Edwin C. Holloway, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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EXAMINER'S RESPONSE

1. In response to the application filed 6-7-00, the application has been examined. The examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Claim Rejections - 35 USC § 102 & 103

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-2, 6, 9-10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Scribner (US 4688026). Scribner discloses a location tracking method and system with an

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RFID/RFDC reader/transmitter 104 sending an interrogation signal to location tags (12, 14, 16, 18) functioning as markers. The reader/transmitter is associated with a unit 100 and/or a user shown in fig. 1. The user may be a nurse in col. 8 line 37 (step 30) or plant security personnel in col. 9 lines 30-35. The reader/transmitter receives and processes signals from the marker and supplied the codes to programmable data collection device 108 in the form of a Hand-Held Computer Terminal acting as a host processing the identity of the marker to determine location of the asset. See col. 4 line 17 - col. 5 line 6 and col. 7 line 1 - col. 8 line 60.

5. Claims 1, 6, 9 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Cannon (US 5689238). Cannon discloses a location tracking method and system with a tag 15 attached to an object and sending interrogation to a location marker 32,32. The tag can receive a signal from the location marker and send the signal to interrogator 20 or the location marker can send a signal to the interrogator that includes a processor 40 acting as a host processing the identity of the marker to determine location of the asset. See col. 2 line 1 - col. 4 line 33.

6. Claims 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Conway (US 5732401). Conway discloses a tracking system and method with locator tags 20 associated with

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each person and object tracked and RFID/RFDC reader 28 sending interrogation and receiving a response signal from tags in range, and processing the signals to determine the ID that is sent to host 30 for processing to determine location of assets (person or object). See col. 3 line 66 - col. 6 line 67.

7. Claims 23 and 25-27 are rejected under 35 U.S.C. 102([]) as being anticipated by Ayers (US 4143369). Ayers discloses an RF tag with at least two antenna (25, 26, 26a) and switching mechanism (24, 32) activated by remote signal 69 from radar 29 to switch between antennas. See col. 1 lines 19-53, col. 5 lines 41-47, col. 6 lines 19-23 and col. 8 lines 7-14.

8. Claims 3-5, 7-8, 11-13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scribner (US 4688026) as applied above in combination with Sheffer (US 5515419). Sheffer discloses a tracking system and method with cell phone and determination of closest marker by signal strength to determine location. See col. 3 lines 14-32, col. 6 line 46 - col. 8 line 40 and col. 21 lines 15-30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Scribner the cell phone and determination of closest marker by signal strength in Sheffer to determine location using existing networks such as cellular telephone networks. Regarding claims 4-5 and 12-23, a

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PDA or pager would have been a well known device for use with such an existing network suggested by the portable computer terminal of Scribner or the cellular telephone Sheffer. The examiner takes official notice that a PDA and pager are well known communication devices for such networks.

9. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scribner (US 4688026) and Sheffer (US 5515419) as applied above in combination with Lester (US 3805265). Lester discloses a locating system using a pager. See col. 2 line 22 - col. 3 line 63, col. 5 lines 8-31 and claims 17-22. If a pager is not clear from the combination applied above then it would have been obvious in view of Lester disclosing us of a pager for locating persons or objects in a system that is simple in design, easy to manufacture and efficient reliable in operation.

10. Claims 18-19 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conway (US 5732401) as applied above in combination with Sheffer (US 5515419). Sheffer discloses a tracking system and method with cell phone and determination of closest marker by signal strength to determine location. See col. 3 lines 14-32, col. 6 line 46 - col. 8 line 40 and col. 21 lines 15-30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have

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included in Conway the cell phone and determination of closest marker by signal strength in Sheffer to determine location using existing networks such as cellular telephone networks.

11. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ayers (US 4143369) as applied above in combination with Lester (US 3805265). Lester discloses a locating system using pagers and ultrasonic signals as an alternative to microwave or RF signals. See col. 2 line 22 - col. 3 line 63, col. 5 lines 8-31 and claims 17-22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included ultrasonic signals in Ayers in view of Lester disclosing use of ultrasonic signals as an alternative to microwave or RF signals in communication with a pager for locating persons or objects in a system that is simple in design, easy to manufacture and efficient reliable in operation.

12. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ayers (US 4143369) as applied above in combination with Caswell (US 4636950). Caswell discloses an inventory management and tracking system with plural RFID/RFDC devices located in sections of a warehouse and controlled by polling signals from host computer 70. See col. 17 line 19 - col. 8 line 24. It would have been obvious to one of ordinary

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skill in the art at the time the invention was made to have included in Ayers the features of Caswell in order to provide inventory management. Alternatively, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the in Caswell the tag with antenna switching mechanism of Ayers for simple antenna diversity switching.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Carroll (US 4549264), Loosmore (US 5682142) and Isaacman (US 5936527) disclose locator systems.


CONTACT INFORMATION

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology center 2600 receptionist whose telephone number is (703) 305-4700.

Facsimile submissions may be sent via fax number (703) 872-9314 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (703) 305-4818. The examiner can normally be reached on M-F (8:30:-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704.

EH
7/13/03


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
ART UNIT 2635